WPMS No. 2071 of 2001

Hon'ble P.C. Verma, J.

This is a writ petition filed by the petitioner seeking a writ of mandamus to command the collector/District Magistrate.

Nainital to dispose of the application of the petitioner moved under sub section (6) of sec. 122-C of the U.P.Z.A. & L.R. Act. The application was moved for the cancellation of lease in favour of respondent No.5. The lease in favour of respondent No. 5 has been sought to be cancelled on the ground that the plot in dispute was already let out in terms of a lease executed in favour of the husband of the petitioner on 25.6.1976 and the petitioner is enjoying the possession of the land after the death of the petitioner's husband. The lease in favour of the respondent No.5 was granted by the then Collector on the basis of incorrect report that the land in dispute was vacant land and lease could be granted in favour of respondent No.5.

Considering the facts and circumstances, I direct the collector/District Magistrate, Nainital to decide the application of the petitioner dated 30.11.1999 and 05.08.2000, contained in Annexure Nos. 5 & 9 to the writ petition within three months from the date of production of a certified copy of this order.

The petition is finally disposed of.

(P.C. Verma, J.)

08-06-2001
P.Singh